

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 18, 2009

DIVISION ONE

B214679 G.P. (Not for Publication)
v.
Superior Court, Los Angeles County
(Department Of Children And Family Services, r.p.i.)

Let a peremptory writ of mandate issue requiring respondent court to vacate the order sustaining count b-2 of the dependency petition. In all other respects the petition for an extraordinary writ is denied. Petitioner's request for a stay of the hearing set for July 8, 2009, pursuant to Welfare and Institutions Code section 366.26, is denied.

Mallano, P.J.

We concur: Rothschild, J.
Miller, J. (Assigned)

B213186 Los Angeles County, D.C.F.S. (Not for Publication)
v.
D.R.

The order is affirmed.

Mallano, P.J.

We concur: Rothschild, J.
Ferns, J. (Assigned)

June 18, 2009 (Continued)

DIVISION ONE (continued)

B211716 People (Not for Publication)
v.
S.Q.

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, P.J.
 Ferns, J. (Assigned)

B205613 Cintora (Not for Publication)
v.
Bad Boys Bail Bonds, Inc.

The judgment in favor of Bad Boys is reversed. Plaintiff is awarded his costs with respect to his appeal from that judgment. Bad Boys' cross-appeal is dismissed as moot.

Rothschild, J.

We concur: Mallano, P.J.
 Weisberg, J. (Assigned)

DIVISION TWO

[illegible]

The judgment is affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.
Ashmann-Gerst, J.

DIVISION TWO (continued)

B211021 People v. Guinn (Not for Publication)

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

DIVISION THREE

B196837 Katz (Not for Publication)
v.
Birenbaum, et al.

The judgment is reversed and the case is remanded for a new trial on Katz's second amended complaint and the Birenbaums' cross-complaint. The parties shall bear their own costs on appeal.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B209727 Los Angeles County, D.C.F.S. (Not for Publication)
v.
C.J.

The order finding jurisdiction as to Father based on allegations pursuant to section 300, subdivisions (b) and (g) are reversed. The order finding jurisdiction as to Mother based on section 300, subdivision (a), (b), and (j), as to Mother is affirmed. The dispositional order refusing to place C.A.J. in Father's custody is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (continued)

B203278 People (Not for Publication)
v.
Mario Lou Meza

The judgment is modified by imposing one additional \$20 Penal Code section 1465.8, subdivision (a)(1) court security fee and , as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting imposition of a total of two \$20 Penal Code section 1465.8, subdivision (a)(1) court security fees.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B201312 People (Not for Publication)
v.
Kucher Gukasi

The judgment is affirmed, except that appellant's sentence is vacated and the matter is remanded for resentencing consistent with this opinion. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (continued)

B213248 People (Not for Publication)
v.
Marvin A. Johnson

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B211888 In re Danny Saul Rosales (Not for Publication)
on
Habeas Corpus

Rosales's petition for writ of habeas corpus is granted. The Board of Parole Hearings is ordered to vacate its decision finding Rosales unsuitable for parole and is directed to conduct a new parole suitability hearing within 30 days of the issuance of the remittitur in this matter. At that hearing, the Board is directed to find petitioner suitable for parole unless either previously undiscovered evidence or new evidence subsequent to the 2008 hearing, regarding his conduct, circumstances, or change in his mental state, supports a determination that he currently poses an unreasonable risk of danger to society if released on parole. Pursuant to California Rules of Court, rule 8.387(b)(3)(A), this opinion shall be final as to this court within five days after it is filed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

June 18, 2009 (Continued)

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B208463 People v. Ayala
B211821 People v. Vargas
B208258 People v. Weathers
B209158 People v. Ochoa
B212008 DCFS v. R.H.
B208851 Legacy Construction & Development, Inc. v. De Francesca
B214734 M.L. v. SCLA (DCFS)
B214694 F.G. v. SCLA (DCFS)

Argument waived, cause submitted.

B209783 Miller, et al.
 v.
 AC Horticultural Management

Merits:

Argued by Steven C. Glickman for appellant. No appearance for respondent. Cause submitted.

B204970 Kapuya
 v.
 Beverly Medical Associates, et al.

Merits:

Argued by Alan M. Goldberg for appellant and by Barbara M. Reardon for respondents. Cause submitted.

DIVISION FOUR (continued)

B193269 Mednik
 v.
 Department of Health Services

Merits:
Argued by Bruce G. Landau for appellant and by Gala Dunn, Deputy
Attorney General for respondent. Cause submitted.

B209179 Haah, et al.
 v.
 Kim

Merits:
Argued by Matthew E. Karanian for appellants and by Helen B. Kim for
respondent. Cause submitted.

B215396 Kaiser Foundation Health
 v.
 Superior Court, Los Angeles County
 (Ramsey et al., r.p.i.)

Merits:
Argued by Miriam A. Vogel for petitioner and by Roxanne Huddleston for
real parties in interest. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy
Clerk.

DIVISION FOUR (continued)

Each of the following:

B207811 People v. Jordon
B207068 People v. Moody
B205715 People v. Govea
B208755 DCFS v. F.G.

Argument waived, cause submitted.

B202071 De La Rosa
 v.
 City of Los Angeles

Merits:

Argued by Jeffrey Peter De La Rosa appellant in propria persona and by
Todd T. Leung for respondent. Cause submitted.

B206787 1939 Argyle, et al.
 v.
 First American Title Insurance Company

Merits:

Argued by Jeffrey B. Valle for appellants and by Ryan C. Squire for
respondent. Cause submitted.

B206102 Palmer/Sixth Street Properties, et al.
 v.
 City of Los Angeles

Merits:

Argued by Michael L. Bostrom for appellant, by Peter Bibring for amicus
curiae and by Jeffrey Lee Costell for respondents. Cause submitted.

DIVISION FOUR (continued)

208813 Palmer/Sixth Street Properties et al.
v.
City of Los Angeles

Merits:

Argued by Peter Bibring for appellant ACLU and by Jeffrey Lee Costell for respondents. Cause submitted.

Court adjourned.

DIVISION FIVE

B205061 People (Certified for Publication)
v.
Satish Shetty

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
Kriegler, J.

DIVISION SIX

B208956 Richard Park (Not for Publication)
v.
Countrywide Home Loans, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

June 18, 2009 (Continued)

DIVISION SIX (continued)

B207806 People (Not for Publication)

V.

Tonya Mae Schaeffer

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.

Perren, J.

B214014 J.A. (Not for Publication)

V.

Santa Barbara Superior Court

(Santa Barbara County Child Welfare Services, r.p.i.)

The petition is denied.

Coffee, J.

We concur: Gilbert, P.J.

Yegan, J.

B209235 James Vilkitis (Not for Publication)

V.

Worker's Compensation Appeals Board

Polytechnic Institute State University, et al.,

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.

Perren, J.

DIVISION SIX (continued)

B207715 Janell C. Banit (Not for Publication)
 v.
 Darrell Gusner

We affirm the judgments in the trust proceeding (Case No. PR 050395A), the probate proceeding (Case No. PR 070217A) and the orders in the partition action (Case No. CIV 061025A.) Costs on appeal are awarded to respondent.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B212510 Pacific Harbor Homes, Inc. (Not for Publication)
 v.
 City of Pismo Beach

The order denying City's motion to strike pursuant to section 425.16 is affirmed. Costs to respondent.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B209323 Forzetting (Not for Publication)
 v.
 Worker's Compensation Appeals Board

Accordingly, we reaffirm the decision of the Board.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

June 18, 2009 (Continued)

DIVISION SIX (continued)

B209742 People (Not for Publication)
v.
Nestroyl

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B209292 O'Neill (Not for Publication)
v.
Cannon

The judgment is affirmed. The parties are to bear their own costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B208657 People (Not for Publication)
v.
Jones

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

June 18, 2009 (Continued)

DIVISION EIGHT

B207925 People (Not for Publication)
v.
Trujillo

The judgment is affirmed.

Flier, Acting P.J.

We concur: Bigelow, J.
Bauer, J. (Assigned)